

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #9	CCRB Case #: 201903133	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/02/2019 5:30 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 123	18 Mo. SOL 10/2/2020	EO SOL 5/19/2021	
Date/Time CV Reported Wed, 04/03/2019 8:12 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/11/2019 11:08 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Esposito	02289	950387	NARCBSI
2. POF Devin Shanley	05242	957155	NARCBSI
3. POM Ryan Cackowski	07411	951576	NARCBSI
4. DT3 Jelson Goyco	02019	926897	NARCBSI
5. DT3 Michael Sigismondi	2181	952237	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Esposito	Abuse: Police Officer Steven Esposito stopped § 87(2)(b)	
B.POM Steven Esposito	Abuse: Police Officer Steven Esposito stopped § 87(2)(b)	
C.POM Steven Esposito	Abuse: Police Officer Steven Esposito stopped § 87(2)(b)	
D.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski stopped § 87(2)(b)	
E.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski stopped § 87(2)(b)	
F.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski stopped § 87(2)(b)	
G.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco stopped § 87(2)(b)	
H.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco stopped § 87(2)(b)	
I.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco stopped § 87(2)(b)	
J.POF Devin Shanley	Abuse: Detective Devin Shanley stopped § 87(2)(b)	
K.POF Devin Shanley	Abuse: Detective Devin Shanley stopped § 87(2)(b)	
L.POF Devin Shanley	Abuse: Detective Devin Shanley stopped § 87(2)(b)	
M.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi stopped § 87(2)(b)	
N.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi stopped § 87(2)(b)	
O.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi stopped § 87(2)(b)	
P.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco interfered with § 87(2)(b)s use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
Q.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco interfered with § 87(2)(b)'s use of a recording device.	
R.POM Steven Esposito	Abuse: Police Officer Steven Esposito failed to provide § 87(2)(b) with a business card.	
S.POM Steven Esposito	Abuse: Police Officer Steven Esposito failed to provide § 87(2)(b) with a business card.	
T.POM Steven Esposito	Abuse: Police Officer Steven Esposito failed to provide § 87(2)(b) with a business card.	
U.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski failed to provide § 87(2)(b) with a business card.	
V.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski failed to provide § 87(2)(b) with a business card.	
W.POM Ryan Cackowski	Abuse: Detective Ryan Cackowski failed to provide § 87(2)(b) with a business card.	
X.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco failed to provide § 87(2)(b) with a business card.	
Y.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco failed to provide § 87(2)(b) with a business card.	
Z.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco failed to provide § 87(2)(b) with a business card.	
2A.POF Devin Shanley	Abuse: Detective Devin Shanley failed to provide § 87(2)(b) with a business card.	
2B.POF Devin Shanley	Abuse: Detective Devin Shanley failed to provide § 87(2)(b) with a business card.	
2C.POF Devin Shanley	Abuse: Detective Devin Shanley failed to provide § 87(2)(b) with a business card.	
2D.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi failed to provide § 87(2)(b) with a business card.	
2E.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi failed to provide § 87(2)(b) with a business card.	
2F.DT3 Michael Sigismondi	Abuse: Detective Michael Sigismondi failed to provide § 87(2)(b) with a business card.	
2G.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco refused to provide his name to § 87(2)(b).	
2H.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco refused to provide his shield number to § 87(2)(b).	
2I.DT3 Jelson Goyco	Abuse: Detective Jelson Goyco refused to provide his shield number to § 87(2)(b).	
2J.DT3 Jelson Goyco	Discourtesy: Detective Jelson Goyco spoke discourteously to § 87(2)(b).	
2K.DT3 Jelson Goyco	Discourtesy: Detective Jelson Goyco spoke discourteously to § 87(2)(b).	
2L.DT3 Jelson Goyco	Discourtesy: Detective Jelson Goyco spoke discourteously to § 87(2)(b).	
	§ 87(2)(g), § 87(4-b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On April 3, 2019, § 87(2)(b) filed this complaint over the phone with IAB on behalf of herself and her adult sons, § 87(2)(b) and § 87(2)(b) generating log #19-13600. On April 11, 2019, the CCRB received the case.

On April 2, 2019, at approximately 5:30 p.m., § 87(2)(b) and § 87(2)(b) were walking in the vicinity of § 87(2)(b) in Staten Island. Police Officer Ryan Cackowski, Police Officer Steven Esposito, Detective Jelson Goyco, Police Officer Devin Shanley and Detective § 87(2)(b) Sigismondi of Narcotics Borough Staten Island stopped § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) (**Allegations A - O: Abuse of Authority – Stop:**

§ 87(2)(g) Det. Goyco allegedly interfered with § 87(2)(b) s and § 87(2)(b) s use of a recording device (**Allegations P and Q: Abuse of Authority – Interference with recording:**

§ 87(2)(g) PO Esposito, PO Cackowski, Det. Goyco, PO Shanley and Det. Sigismondi failed to provide the § 87(2)(b) with business cards (**Allegations R - AF: Abuse of Authority –**

Failure to provide RTKA card: § 87(2)(g) Det. Goyco allegedly refused to provide his name to § 87(2)(b) (Allegation GG: Abuse of Authority – Refusal to provide name: § 87(2)(g) Det.

Goyco refused to provide his shield number to § 87(2)(b) (**Allegation AH: Abuse of Authority – Refusal to provide shield number:** § 87(2)(g) Det. Goyco allegedly refused to provide his

shield number to § 87(2)(b) (**Allegation AI: Abuse of Authority – Refusal to provide shield number:** § 87(2)(g) Det. Goyco spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) (**Allegations AJ - AL: Discourtesy – Word:** § 87(2)(g) § 87(2)(g), § 87(4-b)

No

summonses or arrests were effected.

The investigation obtained cell phone video footage which partially captured this incident (Board Review 01, Board Review 02, Board Review 14). None of the officers were equipped with BWCs at the time of the incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Steven Esposito stopped § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Steven Esposito stopped § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Steven Esposito stopped § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Ryan Cackowski stopped § 87(2)(b)

Allegation E – Abuse of Authority: Police Officer Ryan Cackowski stopped § 87(2)(b)

Allegation F – Abuse of Authority: Police Officer Ryan Cackowski stopped § 87(2)(b)

Allegation G – Abuse of Authority: Detective Jelson Goyco stopped § 87(2)(b)

Allegation H – Abuse of Authority: Detective Jelson Goyco stopped § 87(2)(b)

Allegation I – Abuse of Authority: Detective Jelson Goyco stopped § 87(2)(b)

Allegation J – Abuse of Authority: Police Officer Devin Shanley stopped § 87(2)(b)

Allegation K – Abuse of Authority: Police Officer Devin Shanley stopped § 87(2)(b)

Allegation L – Abuse of Authority: Police Officer Devin Shanley stopped § 87(2)(b)

Allegation M – Abuse of Authority: Detective Michael Sigismondi stopped § 87(2)(b)

Allegation N – Abuse of Authority: Detective Michael Sigismondi stopped § 87(2)(b)

Allegation O – Abuse of Authority: Detective Michael Sigismondi stopped § 87(2)(b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

It is undisputed that no Stop and Frisk reports were prepared for this incident.

According to § 87(2)(b) the § 87(2)(b) were walking their dog around the block when all five officers approached the § 87(2)(b) simultaneously and asked for their identifications (Board Review 15). § 87(2)(b) provided her ID to Det. Goyco, and § 87(2)(b) and § 87(2)(b) explained that they did not have ID on them. Det. Goyco admonished § 87(2)(b) and § 87(2)(b) for not carrying their identifications. When § 87(2)(b) asked why they were being stopped, Det. Goyco explained to § 87(2)(b) that the group was stopped because the officers received a call for “suspicious people in the neighborhood.”

According to § 87(2)(b) after Det. Goyco asked him to produce his identification, Det. Goyco told him, “Let me see your hands” (Board Review 17).

§ 87(2)(g)

According to PO Esposito, he and PO Cackowski first approached the § 87(2)(b) because they observed § 87(2)(b) holding a tall can which they suspected to be an alcoholic beverage (Board Review 04). As PO Esposito walked closer to the group, he observed that the tall can was merely a non-alcoholic Arizona iced tea. At this point, PO Esposito and PO Cackowski continued approaching the § 87(2)(b) and had a conversation with them but he did not consider the group to be stopped. They did not approach the § 87(2)(b) for any other reasons. PO Esposito told the group that

the officers were in the area looking for narcotic activity. PO Esposito did not recall any questions or conversation between him and the civilians, including if he asked the civilians for their identification. PO Esposito did not consider the § 87(2)(b) to be stopped. PO Esposito did not recall any discussion of a 911 call for a group of suspicious individuals. After an unknown period of time, Det. Goyco, PO Shanley, and Det. Sigismondi arrived in a separate vehicle. PO Esposito could not recall any conversations between the civilians and these officers or if he or Det. Cackowski relayed any information about the incident to these officers upon their arrival. He recalled that these officers were “just standing around.”

PO Cackowski’s statement is consistent with PO Esposito’s (Board Review 03).

Det. Goyco was driving with PO Shanley and Det. Sigismondi when he saw PO Esposito and PO Cackowski speaking with the § 87(2)(b) on the sidewalk. Det. Goyco believed this interaction to be a stop, and he exited his car and approached them. Before being presented with cell phone video, Det. Goyco did not recall if he asked § 87(2)(b) or § 87(2)(b) for their IDs, but remembered asking § 87(2)(b) for his ID, which he did not have. Det. Goyco asked § 87(2)(b) for his ID because he “wanted to know who he was talking to” and no other reason. (Board Review 05). Det. Goyco did not know why PO Esposito and PO Cackowski were speaking with the § 87(2)(b) and did not recall PO Esposito’s and PO Cackowski’s conversation with the § 87(2)(b) on the sidewalk. When asked why he did not prepare a Stop, Question and Frisk Report (UF250) for this incident, Det. Goyco said “There was nothing unusual about the stop, I didn’t have to put my hands on anybody, we didn’t arrest anybody, it wasn’t a hostile situation, and from what I recall, I didn’t deem it necessary.”

§ 87(2)(g)

Det. Sigismondi stated that upon approaching the encounter, he, PO Shanley, and Det. Goyco only observed and took no other actions. They did not discuss the purpose of the stop with PO Esposito or PO Cackowski. PO Shanley stated that she spoke to the § 87(2)(b) briefly upon her arrival and recalled that they did not have IDs on them but did not recall whether she asked them for IDs. She did not recall what any of the officers said to the civilians. She did not remember if there had been a call over the radio about suspicious people. It is undisputed amongst the officers that stop and frisk reports were not prepared for any of the civilians.

§ 87(2)(b) provided cell phone video to the investigation which partially captured this incident (Board Review 01). The video starts with § 87(2)(b) placing the phone on the ground mid-interaction with the officers. At three seconds into the video, a voice is heard saying, “Do you have ID on you?” and “What’s your name?” In the video, Det. Goyco chastises § 87(2)(b) and § 87(2)(b) for not carrying ID on them. Det. Goyco acknowledged that the voice belonged to him. At three minutes and 13 seconds into another cell phone video provided by § 87(2)(b) (Board Review 02), § 87(2)(b) is heard asking the reason for the stop. An officer responds, “From a call.” The officer continues to explain that people call anonymously all the time. When § 87(2)(b) asks for more details about the call, the officer says, “Three suspicious people walking on the block. We get that shit all the time.” During his CCRB statement, Det. Goyco acknowledged that the voice was his and explained that he was broadly explaining that he received calls for suspicious people generally, not specifically for this incident.

According to NYPD documentation, PO Shanley performed a warrant search for § 87(2)(b) during this incident (Board Review 20). The Memo Books of PO Esposito, PO Cackowski, PO Shanley and Det. Sigismondi all list this incident as a stop (Board Review 10, Board Review 25). The Event Summary did not include any call for suspicious individuals (Board Review 24).

§ 87(2)(g)

“A stop occurs when an officer exerts a “significant interruption [of the] individual’s liberty of movement.” People v. DeBour, 40 N.Y. 2d 210 (1976) (Board Review 08). To stop an

Allegation W – Abuse of Authority: Police Officer Ryan Cackowski failed to provide § 87(2)(b) with a business card.

Allegation X – Abuse of Authority: Detective Jelson Goyco failed to provide § 87(2)(b) with a business card.

Allegation Y – Abuse of Authority: Detective Jelson Goyco failed to provide § 87(2)(b) with a business card.

Allegation Z – Abuse of Authority: Detective Jelson Goyco failed to provide § 87(2)(b) with a business card.

Allegation AA – Abuse of Authority: Police Officer Devin Shanley failed to provide § 87(2)(b) with a business card.

Allegation AB – Abuse of Authority: Police Officer Devin Shanley failed to provide § 87(2)(b) with a business card.

Allegation AC – Abuse of Authority: Police Officer Devin Shanley failed to provide § 87(2)(b) with a business card.

Allegation AD – Abuse of Authority: Detective Michael Sigismondi failed to provide § 87(2)(b) with a business card.

Allegation AE – Abuse of Authority: Detective Michael Sigismondi failed to provide § 87(2)(b) with a business card.

Allegation AF – Abuse of Authority: Detective Michael Sigismondi failed to provide § 87(2)(b) with a business card.

It is undisputed that all five officers did not provide a business card to the § 87(2)(b) during this incident.

During their interaction, the § 87(2)(b) have an extended conversation with the officers on the sidewalk after they are stopped (Board Review 14). In cell phone video provided by § 87(2)(b) she asks, “And those cards, you guys don’t carry those cards?” Det. Sigismondi can be heard saying, “Cards, we don’t carry those cards” (VLC timestamp 00:52) (Board Review 02, Board Review 14). As discussed in **Allegation AH**, § 87(2)(b) also asked officers for their names and shield numbers during this conversation.

Det. Sigismondi positively identified his voice in the video as saying, “Cards, we don’t carry those cards.” Det. Sigismondi explained that he did not know what § 87(2)(b) was asking for. Det. Sigismondi said that on the date of the incident, he did not carry business cards, but said that he normally does carry them.

According to Det. Goyco, he did not recall if any civilian requested his RTKA (Right to Know Act) card or “business card.” Det. Goyco “at times” carries his RTKA card, elaborating he does not carry RTKA cards “only if I forget them.” Det. Goyco did not know when he was first assigned his RTKA card and did not recall if he carried any RTKA cards on the day of the incident.

Det. Shanley did not recall if any civilian asked her for a RTKA card. Det. Shanley stated that she was not carrying RTKA card on the day of the incident.

PO Cackowski did not recall if he was asked for a RTKA card nor if he provided a RTKA card to any of the § 87(2)(b).

PO Esposito did not recall if any of the § 87(2)(b) requested a RTKA card. PO Esposito did not have any business cards on the day of the incident because he left them in his locker.

According to NYC Administrative Code, Section 14-174 (Board Review 18), officers are required to *offer* a business card to any person at the conclusion of law enforcement activity, including all pedestrian stops that do not result in an arrest or summons. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation AG – Abuse of Authority: Detective Jelson Goyco refused to provide his name to

§ 87(2)(b)

According to § 87(2)(b) he asked Det. Goyco for his name and he did not provide it.

According to § 87(2)(b) all five officers provided their names verbally to § 87(2)(b)

which § 87(2)(b) could hear § 87(2)(g)

As depicted in § 87(2)(b)'s provided video, all five officers verbally provide their last names to § 87(2)(b) (VLC timestamp 02:00) (Board Review 02). This interaction occurs after Det. Goyco and § 87(2)(b) rejoin the group.

Det. Goyco did not recall if any civilian asked for his name during this incident or if he provided his name to any civilian.

§ 87(2)(g)

Allegation AH – Abuse of Authority: Detective Jelson Goyco refused to provide his shield number to

On cell phone video provided by § 87(2)(b) she can be heard saying, “Before I leave, I need names and shield numbers” (VLC timestamp 00:44) (Board Review 02, Board Review 14). Det. Goyco responds, “I’m gonna get them to you.” Later in the same video, all five officers verbally provide their last names to § 87(2)(b) (VLC timestamp 02:00). The video continues to the end of the interaction as it captures officers leaving the scene, and the video does not capture any officer saying their shield number.

According to § 87(2)(b) § 87(2)(b) asked all five officers for their names and shield numbers. § 87(2)(b) did not recall if any other officer provided their shield number to § 87(2)(b)

§ 87(2)(b)

According to § 87(2)(b) § 87(2)(b) told officers, “My father always told me if I got into another incident with police officers again to get your names and shield numbers, so can I have them please.” All the officers verbally provided their names to § 87(2)(b) which § 87(2)(b) could also hear.

Det. Goyco and PO Esposito did not recall if any civilian asked for their shield numbers. PO Cackowski, PO Shanley and Det. Sigismondi acknowledged that § 87(2)(b) asked for their shield numbers. Det. Goyco, PO Esposito, PO Cackowski and Det. Sigismondi did not recall if they provided their shield numbers to any civilian. When presented audio of § 87(2)(b) asking Det. Sigismondi for his shield number, Det. Sigismondi said that he did not hear this request on scene.

Patrol Guide Section 203-09 (Board Review 19). Officers will courteously and clearly state their shield numbers to anyone who requests they do so, and allow the person ample time to note this information. Officers will do this upon the conclusion of the encounter.

§ 87(2)(g)

Allegation AI – Abuse of Authority: Detective Jelson Goyco refused to provide his shield number to

According to § 87(2)(b) Det. Goyco and § 87(2)(b) walked away from the stop towards § 87(2)(b). During this walk, he asked Det. Goyco for his shield number. Det. Goyco pulled his shield from his quilted jacket and displayed it, but the shield was ‘flipped’

the wrong way, so § 87(2)(b) could not read the shield number. This interaction is not captured on any of the cell phone footage provided by the civilians (Board Review 14).

§ 87(2)(b) and § 87(2)(b) were not in a position witness this interaction between Det. Goyco and § 87(2)(b) § 87(2)(g)

Det. Goyco did not recall if § 87(2)(b) asked for his shield number, and did not recall if he provided his shield number to § 87(2)(b). The remaining officers would not have been in a position to hear § 87(2)(b)'s request.

§ 87(2)(g)

Allegation AJ – Discourtesy: Detective Jelson Goyco spoke discourteously to § 87(2)(b)

Allegation AK – Discourtesy: Detective Jelson Goyco spoke discourteously to § 87(2)(b)

Allegation AL – Discourtesy: Detective Jelson Goyco spoke discourteously to § 87(2)(b)

On cell phone videos provided by the § 87(2)(b) Det. Goyco says to the § 87(2)(b) “We don’t fucking know,” (VLC timestamp 00:54) (Board Review 01) “We get that shit all the time,” (VLC timestamp 03:27) and “I don’t even know the fucking family” (VLC timestamp 04:18) (Board Review 02, Board Review 14).

Det. Goyco positively identified his voice in the cell phone video. When asked why he used profanity with the § 87(2)(b) Det. Goyco said he did not know why he made these comments and explained that he used the word “fucking” because “it’s just the way [he] talk[s].”

Patrol Guide Section 200-02 (Board Review 23). Officers will respect the dignity of each individual and render our services with courtesy and civility. DAO-DCT Disciplinary Case No. 2018-18951 (Board Review 22). Officers always have the responsibility to act with decorum while speaking with civilians; gratuitous use of profanity is unprofessional.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one prior CCRB complaint and has been named as a victim of one allegation:

- § 87(2)(b)

- § 87(2)(b) has been party to two prior CCRB complaints and has been named as a victim of three allegations:

- § 87(2)(b)

- ## Mediation, Civil and Criminal Histories

- Squad No.: 9

Investigator: Inv. Greg Finch Inv. Greg Finch 08/21/2020
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 9/1/2020
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____